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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/851,633	05/08/2001	Mark Hauck	10971990-2	4289

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EXAMINER

NGHIEM, MICHAEL P

ART UNIT PAPER NUMBER

2861

DATE MAILED: 01/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/851,633

Applicant(s)

HAUCK, MARK

Examiner

Michael P Nghiem

Art Unit

2861

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 35-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 35 and 37-43 is/are rejected.
- 7) ☒ Claim(s) 36 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 May 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:
- "valve 38" (page 9, line 21) should be -- valve 40 --.
Appropriate correction is required.

Drawings

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2. The drawings are objected to because "Yes" at block "56" (Fig. 4) should be -- No --. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 42-43 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

How are the steps of "issuing..." and "evacuating ..." (claim 42) different from the steps of "injecting ..." and "withdrawing ..." (claim 43), respectively?

Claim 43, "the print cartridge" (lines 3, 4) lacks antecedent basis. Which one?

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 35 and 38-41 are rejected under 35 U.S.C. 102(b) as being anticipated by Boyd et al. (US 5,923,353).

Boyd et al. discloses all the claimed features of the invention including:

Art Unit: 2861

- a method (Figs. 4-6) for regulating pressure in a print cartridge (Figs. 4-6) having a fluid source (13) and a local reservoir (34), comprising the steps of:
 - sensing the pressure (column 5, lines 55-57);
 - activating a first flow valve (38', 40') when the pressure is less than a first predetermined limit (Fig. 5);
 - deactivating the first flow valve when the pressure is not less than the first predetermined limit (Figs. 4, 6);
 - activating a second flow valve (18', 40") when the pressure is less than a second predetermined limit (Figs. 4, 5);
 - deactivating the second flow valve when the pressure is not less than the second predetermined limit (Fig. 6);
 - evacuating air from the local reservoir when the pressure is more than a third predetermined limit (via 47, column 3, line 8-11);
 - said first flow of fluid has a volume flow rate, and said second flow of fluid has a volume flow rate equal to said volume flow rate of said first flow of fluid (column 2, lines 11-14);
 - said second flow of fluid has a volume flow rate not equal to said volume flow rate of said first flow of fluid (before regulator 16 reduces the supply pressure, column 4, lines 46-48).

Claims 37, 42, and 43 are rejected under 35 U.S.C. 102(b) as being anticipated by Boyd et al..

Boyd et al. discloses all the claimed features of the invention including:

- a method (Figs. 4-6) for regulating pressure in a print cartridge (Figs. 4-6) having a fluid source (13) and a local reservoir (34), comprising the steps of:
 - sensing the pressure (column 5, lines 55-57);
 - activating a first flow valve (38', 40') when the pressure is less than a first predetermined limit (Fig. 5);
 - deactivating the first flow valve when the pressure is not less than a first predetermined limit (Figs. 4, 6);
 - activating a vacuum valve (18', 40", column 4, lines 25-26) if the pressure is more than a second predetermined limit (Fig. 4, 5);
 - deactivating the vacuum valve if the pressure is not more than a second predetermined limit (Fig. 6);
 - withdrawing air from a vacuum reservoir (51) within the print cartridge (Figs. 4-6).

Allowable Subject Matter

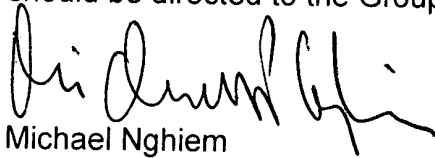
5. Claim 46 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Reasons For Allowance

6. The method as claimed wherein activating a vacuum valve if the pressure is more than a third predetermined limit; and deactivating the vacuum valve if the pressure is not more than the third predetermined limit is not disclosed, suggested, or made obvious by the prior arts of record.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Nghiem whose telephone number is (703) 306-3445. An inquiry of a general nature or relating to the status of this application

should be directed to the Group receptionist at (703) 308-0956.



Michael Nghiem

January 17, 2002